

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LEODIUS CLARK,

Petitioner,

v.

**Civil Action 2:16-cv-204
Judge James L. Graham
Magistrate Judge Deavers**

OHIO ADULT PAROLE AUTHORITY, et al.,

Respondent.

REPORT AND RECOMMENDATION

Leodius Clark has submitted a civil complaint properly characterized as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, and he has requested to proceed *in forma pauperis*. Based upon its review of Mr. Clark's account statement, the Court finds that he can afford to pay the \$5.00 filing fee. Consequently, it is RECOMMENDED that Mr. Clark's application for leave to proceed *in forma pauperis* be denied, and that the Court order Mr. Clark to pay the filing fee within 30 days. It is further RECOMMENDED that Mr. Clark be advised that his failure to make the required payment may result in the dismissal of this case.

If any party objects to this report and recommendation, that party may, within fourteen days of the date of this report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection. The district judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, the district judge may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the report and recommendation will result in a waiver of the right to have the district judge review the report and recommendation *de novo* and also operates as a waiver of the right to appeal the decision of the District Court adopting the report and recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE